IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Civil Writ Petition No. 634 of 2005 (S/S)

Nagendra Singh Rana
S/o Sri Bachan Singh Rana

…… Petitioner

Versus

1. State of Uttaranchal.
   through Secretary Panchayat Raj
   Govt. of Uttaranchal, Dehradun.
   Govt. of Uttaranchal, Dehradun.
2. Director Panchayati Raj
   Govt. of Uttaranchal, Dehradun.
3. District Panchayat Raj Adhikari
   Uttarkashi.

……. Respondents

None present for the petitioner.
Mr. N.P. Sah, Standing Counsel for the State.

Hon'ble Prafulla C. Pant, J.

None present for the petitioner.

Learned Standing Counsel is present for the State.

2) By means of this writ petition, the petitioner, who is a Chowkidar on daily wages with the office of the District Panchayat Raj Adhikari, Uttarkashi, has sought his regularization in service.

3) In the counter affidavit, it has been stated that the petitioner was not engaged on wages from the Government exchequer. Rather, the petitioner was being paid daily wages from the earning of Panchayat Bhawan, as such, he

had no right to get absorbed, as there is no post available for the same.

4) Apart form this, in view of the principle of law laid down in ***Secretary State of Karnataka Vs. Uma Devi, reported in (2006) 4 Supreme Court Cases Pg. 01,*** that daily wage workers and the person employed without undergoing regular selection process under the rules, should not be permitted to be sbsorbed or regularized in the service, against the Constitutional Scheme of public employment, this Court is not inclined to issue direction to regularise services of the petitioner.

5) Therefore, the writ petition is dismissed. Interim order dated 20.05.2005, is hereby, vacated. (All pending applications in this Petition also stand disposed of).

(Prafulla C. Pant, J.)

Dt.: November 20, 2006
H.Negi